

NOT FOR PUBLICATION

JAN 24 2008

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN MANUEL AVILEZ-ZAMORA,

Defendant - Appellant.

No. 06-10582

D.C. No. CR-03-00387-5-EHC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted January 14, 2007**

Before: HALL, O'SCANNLAIN and PAEZ, Circuit Judges.

Juan Manuel Avilez-Zamora appeals from the 108-month sentence imposed upon remand following his guilty-plea conviction for conspiracy to commit

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

hostage taking, in violation of 18 U.S.C. §§ 371 and 1203, and conspiracy to harbor illegal aliens, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii) and (a)(1)(A)(v)(I)(II).

We previously held that Avilez-Zamora's plea agreement waived his right to appeal all aspects of his sentence, except for the court's application of grouping under the United States Sentencing Guidelines. *See United States v. Avilez-Zamora*, No. 04-10687, 168 Fed. Appx. 803 (9th Cir. February 22, 2006) (unpublished decision). Avilez-Zamora does not raise any challenge to grouping in his briefs. Accordingly, the law of this case dictates that the appeal waiver in Avilez-Zamora's plea agreement precludes this current appeal. *See id.*; *see also Snow-Erlin v. United States*, 470 F.3d 804, 807 (2006) (holding that the appellate court does not reconsider matters resolved on a prior appeal).

DISMISSED.